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Kevin DeNuccio, Sarita James, Jay Leupp,
Merrick D. Okamoto, Said Ouissal, Simeon
Salzman, and Fred Thiel, and Nominal
Defendant Marathon Digital Holdings, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KIMBERLY BERNARD, Derivatively on
Behalf of MARATHON DIGITAL
HOLDINGS, INC. (f/k/a MARATHON
PATENT GROUP, INC.),

Plaintiff,

v.

FRED THIEL, GEORGES ANTOUN,
KEVIN DENUCCIO, SARITA JAMES, JAY
LEUPP, SAID OUISSAL, MERRICK D.
OKAMOTO, and SIMEON SALZMAN,

Defendants,

-and-

MARATHON DIGITAL HOLDINGS, INC.
(f/k/a MARATHON PATENT GROUP,
INC.),

Nominal Defendant.

CASE NO.: 2:22-cv-00305-JAD-VCF

**NOTICE OF RELATED CASES
PURSUANT TO LR 42-1(a)**

1 Pursuant to Local Rule 42-1(a), Defendants and Nominal Defendant hereby provide notice
2 of the following related case: *Tad Schlatre v. Marathon Digital Holdings, Inc. f/k/a Marathon*
3 *Patent Group, Inc., Merrick D. Okamoto, Frederick G. Thiel, and Simeon Salzman,*
4 Case No. 2:21-cv-2209-RFB-NJK (the “Securities Class Action”).

5 The instant Derivative Action and the Securities Class Action concern allegations against,
6 or purportedly derivatively on behalf of, Defendant/Nominal Defendant Marathon Digital
7 Holdings, Inc. (“Marathon”) and directors and/or officers of Marathon. The complaints in both
8 actions contain allegations stemming from the same events: Marathon’s announcement in October
9 2020 that it had entered into a venture with Beowulf Energy LLC to operate a Bitcoin mining data
10 center in Hardin, Montana. On November 15, 2021, Marathon disclosed its receipt of a subpoena
11 from the Securities and Exchange Commission related to its venture with Beowulf. Plaintiff in the
12 Securities Class Action filed his complaint on December 17, 2021, alleging that Marathon violated
13 the federal securities laws by not disclosing regulatory issues raised by the venture in October 2020,
14 and the complaint in the instant Derivative Action, which is based on the allegations in the
15 Securities Class Action, followed on February 18, 2022. As a result, both actions involve similar
16 questions of fact, although different questions of law, and assignment to the same judge would be
17 desirable.

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1 DATED this 7th day of April, 2022.

2 PISANELLI BICE PLLC

3
4 By: /s/ Debra L. Spinelli

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17 DeNuccio, Sarita James, Jay Leupp, Merrick D.
18 Okamoto, Said Ouissal, Simeon Salzman, and Fred
19 Thiel, and Nominal Defendant Marathon Digital
20 Holdings, Inc.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Pisanelli Bice PLLC, and that on this 7th day of April, 2022, I caused to be served via the Court's CM/ECF program true and correct copies of the above and foregoing **NOTICE OF RELATED CASES PURSUANT TO LR 42-1(a)** to all parties via electronic service.

/s/ Kimberly Peets

An employee of Pisanelli Bice PLLC

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